



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX63/20

I, SHANE PATRICK CARMODY, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160 and 11.185 of the *Civil Aviation Safety Regulations 1998*.

[Signed S. Carmody]

Shane Carmody
Director of Aviation Safety

6 April 2020

CASA EX63/20 — Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Amendment Instrument 2020 (No. 1)

1 Name

This instrument is *CASA EX63/20 — Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Amendment Instrument 2020 (No. 1)*.

2 Duration

This instrument:

- (a) commences on the day it is registered; and
- (b) is repealed at the end of 31 March 2021.

3 Amendment of CASA EX57/20

Schedule 1 amends *CASA EX57/20 — Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Instrument 2020*.

Schedule 1 Amendments

[1] Subsection 3 (1), Definitions

insert

Part 141 certificate means a certificate issued under regulation 141.060 of CASR.

Part 141 operator is the holder of a Part 141 certificate.

Part 142 authorisation has the same meaning as in subregulation 142.015 (5) of CASR.

Part 142 operator is the holder of a Part 142 authorisation.

[2] After subsection 3 (1), Definitions

insert

- (1A) In this instrument, a reference to anything approved by CASA means approved by CASA in writing.

[3] After paragraph 4 (1) (b)

insert

(ba) to a person who:

- (i) is the holder of a Part 141 certificate or a Part 142 authorisation that was in force immediately before the commencement of this instrument; and

- (ii) is not the subject of an active show cause notice; and

(bb) to a person who:

- (i) is the holder of a balloon flight crew licence that was in force immediately before the commencement of this instrument; and

- (ii) is not the subject of an active show cause notice; and

[4] Paragraph 6 (2) (b)

omit

medical certificate

insert

approval

[5] Section 7, the heading

repeal and substitute

7 Exemptions — Flight reviews and recent experience

[6] Subsection 7 (1)

omit

The holder of a flight crew licence

insert

The holder of a flight crew licence or a balloon flight crew licence

[7] Paragraph 7 (3) (f)

repeal and substitute

(f) 61.1060;

(g) regulation 5.143 of CAR.

[8] After paragraph 8 (2) (x)

insert

(y) subregulation 5.04 (1) of CAR;

(z) subregulations 5.07 (1) and (2) of CAR;

(za) regulation 5.56 of CAR.

[9] After subparagraph 8 (3) (a) (i)

insert

- (ia) produce; or

[10] After section 8

insert

8A Exemptions — medical certificates for certain flight tests

- (1) This section applies to each of the following persons (as the case applies):
 - (a) an applicant for a flight test (a ***relevant flight test***) for a commercial pilot licence or an air transport pilot licence (the ***relevant licence***) who:
 - (i) is the holder of a flight crew licence to whom this instrument applies; and
 - (ii) any time after 1 January 2018 held a class 1 medical certificate which has expired, or will expire before the applicant takes a relevant flight test in 2020 after the commencement of this instrument; and
 - (iii) holds a class 2 medical certificate;
 - (b) a Part 141 operator and the operator's head of operations, with respect to an applicant mentioned in paragraph (a);
 - (c) a Part 142 operator and the operator's head of operations, with respect to an applicant mentioned in paragraph (a).
- (2) Each person mentioned in subsection (1), is exempted from the requirements of the provisions, mentioned in subsection (3), that apply to the person, in relation to the holding of a valid class 1 medical certificate for the purposes of the provision, but only to the extent mentioned in subsection (4).
- (3) For subsection (2), the provisions are the following:
 - (a) subparagraphs 61.235 (2) (c) (i) and (4) (b) (ii);
 - (b) sub-subparagraph 61.1300 (3) (b) (i) (A) and subregulation 61.1300 (5);
 - (c) subregulation 141.210 (1);
 - (d) subregulation 142.245 (1).
- (4) For subsection (2), the exemption applies to each provision only to the following extent, namely, for, and for the duration of, a relevant flight test taken in 2020 after the commencement of this instrument.

[11] Subsection 9 (4)

repeal and substitute

- (4) For paragraph (3) (c), the exemption applies to each provision:
 - (a) if the operator does not have a safety risk mitigation plan approved by CASA (an ***approved safety plan***) — only until the end of 30 June 2020; and
 - (b) if the operator has an approved safety plan — until the end of 31 March 2021.

[12] Subsection 10 (2)

repeal and substitute

- (2) For subsection (1), the exemption applies to each provision:
- (a) if the operator does not have a safety risk mitigation plan approved by CASA (an ***approved safety plan***) — only until the end of 30 June 2020; and
 - (b) if the operator has an approved safety plan — until the end of 31 March 2021.

[13] Paragraphs 12 (3) (a) and (b)

repeal and substitute

- (a) if the DAMP organisation does not have a safety risk mitigation plan approved by CASA (an ***approved safety plan***) — only until the end of 30 June 2020;
- (b) if the DAMP organisation has an approved safety plan — until the end of 31 March 2021;

[14] Paragraphs 12 (3) (c)

omit

obligations; and

insert

obligations;

[15] Paragraphs 13 (2) (a) and (b)

repeal and substitute

- (a) if the AOC holder does not have a safety risk mitigation plan approved by CASA (an ***approved safety plan***) — only until the end of 30 June 2020;
- (b) if the AOC holder has an approved safety plan — until the end of 31 March 2021;

[16] Paragraph 13 (2) (c)

omit

relevant flight crew member,

insert

relevant crew member,

[17] Paragraph 13 (2) (c)

omit

the crew members safety obligations;

insert

the crew member's safety obligations;

[18] After section 13

insert

14 Exemptions — Parts 141 and 142 operators

- (1) This section applies, as the case requires, to:
- (a) a Part 141 operator and a Part 142 operator (an ***operator***); and

- (b) an operator's head of operations.
- (2) An operator and an operator's head of operations to whom a provision of CASR mentioned in subsection (3) applies is exempt from the provision but only to the extent mentioned in subsection (4).
- (3) For subsection (2), the provisions are the following:
 - (a) subregulation 141.110 (1) — with respect to the head of operations regarding subparagraphs (4) (b) (i) and (iv);
 - (b) subregulation 141.175 (1);
 - (c) subregulation 141.185 (1);
 - (d) subregulation 141.265 (1);
 - (e) subregulation 141.290 (1);
 - (f) subregulation 141.300 (1);
 - (g) paragraph 142.100 (1) (d) — for the head of operations;
 - (h) paragraph 142.120 (1) (b) — for the head of operations;
 - (i) subregulation 142.165 (1);
 - (j) subregulation 142.225 (1);
 - (k) subregulation 142.230 (1);
 - (l) subregulation 142.320 (1);
 - (m) subregulation 142.345 (1);
 - (n) subregulation 142.365 (1) — with respect to paragraphs 142.340 (1) (i), (k), and (s);
 - (o) subregulation 142.375 (1).
- (4) For subsection (2), the exemption applies to each provision only to the following extent:
 - (a) to the extent that a contravention of, or a failure to comply with, the provision arose strictly and directly from compliance with the terms and conditions of another exemption under this instrument;
 - (b) if the operator does not have a safety risk mitigation plan approved by CASA (an ***approved safety plan***) — only until the end of 30 June 2020;
 - (c) if the operator has an approved safety plan — until the end of 31 March 2021.

15 Exemptions – Part 137 operators – operator proficiency checks

- (1) This section applies to each person (an ***operator***) who is the holder of an AOC that authorises the conduct of aerial application operations under Part 137 of CASR.
- (2) An operator to whom a provision of CASR mentioned in subsection (3) applies is exempt from the provision only:
 - (a) if the requirement in subsection (4) is met; and
 - (b) for the applicable extension period mentioned in subsection (5).
- (3) For subsection (2), the provisions are the following:
 - (a) regulation 137.235;
 - (b) regulation 137.240.

- (4) For paragraph (2) (a), the exemption applies to each provision only if the pilot in command of the operator's aeroplane held a valid operator proficiency check on 1 March 2020.
- (5) For paragraph (2) (b):
 - (a) for an operator proficiency check, under the applicable regulation, that expires after 1 March 2020 but on or before 31 July 2020 — the extension period is 3 months from the expiry date;
 - (b) for an operator proficiency check, under the applicable regulation, that expires after 31 July 2020 but on or before 30 September 2020 — the extension period is 2 months from the expiry date;
 - (c) for an operator proficiency check, under an applicable regulation, that expires after 30 September 2020 but on or before 30 November 2020 — the extension period is 1 month from the expiry date.

16 Exemptions – Part 137 operators – operations manuals

- (1) Each of the following:
 - (a) an operator (the *operator*) to whom Part 137 of CASR applies;
 - (b) each crew member of the operator (the *crew members*);
 - (c) other persons engaged on aerial application operations for the operator (*other persons*);
 is exempted from the applicable requirements of the provisions mentioned in subsection (2), but only to the extent mentioned in subsection (3).
- (2) For subsection (1), the provisions of CASR are:
 - (a) regulation 137.055;
 - (b) regulation 137.080;
 - (c) regulation 137.085.
- (3) For subsection (1), the exemption applies to each provision:
 - (a) only to the extent that, because of the effect of another exemption in another provision of this instrument:
 - (i) the operator would have to amend or revise, and make available, the operations manual to comply with regulation 137.055; or
 - (ii) the crew member or other persons would have to comply with instructions in the operations manual that are no longer appropriate solely because of the effect of the other exemptions; and
 - (b) only if the operator ensures that the crew members and other persons are informed of the applicable effects of this section; and
 - (c) only in accordance with subsection (4).
- (4) For subparagraph (3) (c), the exemption applies to each provision until the end of 2020.

17 Exemptions — balloon flight instructors

- (1) This section applies to a person (the *holder*) mentioned in paragraph 4 (1) (bb) who:
 - (a) is required to hold a flight instructor (balloon) rating that is in force, in order to engage in any of the activities mentioned in paragraph 16.5 of Civil Aviation Order 40.7 (*CAO 40.7*) (*balloon training and checking etc.*); and

- (b) on 1 March 2020 — held a flight instructor (balloon) rating that was in force; and
 - (c) is, or is employed by, a balloon AOC holder authorised to conduct balloon training and checking etc. (a ***relevant AOC holder***).
 - (2) A holder to whom a provision of CAO 40.7 mentioned in subsection (3) applies is exempt from the provision but only to the extent mentioned in subsections (3) and (4).
 - (3) For subsection (2), the provisions are each of the following provisions of CAO 40.7, to the extent that the provision requires a person to be the holder of a flight instructor (balloon) rating that is in force:
 - (a) sub-subparagraph 4.6 (b) (ii);
 - (b) sub-subparagraph 5.2 (d) (ii);
 - (c) sub-subparagraph 5.7 (b) (ii).
 - (4) For subsection (2), the exemption applies to each provision only to the following extent:
 - (a) to the extent that the holder's flight instructor (balloon) rating expired after 1 March 2020 and has not been renewed;
 - (b) an unsuccessful attempt to pass the flight test for renewal of the holder's flight instructor (balloon) rating has not been made;
 - (c) if the relevant AOC holder does not have a safety risk mitigation plan approved by CASA (an ***approved safety plan***) — only until the end of 30 June 2020;
 - (d) if the relevant AOC holder operator has an approved safety plan — until the end of 31 March 2021.
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